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Report of the United Nations Commission on International Trade Law on the work of its thirty-eighth session

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Report of the United Nations Commission on International Trade Law on the work of its thirty-eighth session

The General Assembly,

Recalling its resolution 2205 (XXI) of 17 December 1966, by which it established the United Nations Commission on International Trade Law with a mandate to further the progressive harmonization and unification of the law of international trade and in that respect to bear in mind the interests of all peoples, in particular those of developing countries, in the extensive development of international trade,

Reaffirming its belief that the progressive modernization and harmonization of international trade law, in reducing or removing legal obstacles to the flow of international trade, especially those affecting the developing countries, would contribute significantly to universal economic cooperation among all States on a basis of equality, equity and common interest and to the elimination of discrimination in international trade and, thereby, to the well-being of all peoples,

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Having considered the report of the Commission on the work of its thirty-eighth session,[1]

Reiterating its concern that activities undertaken by other bodies in the field of international trade law without adequate coordination with the Commission might lead to undesirable duplication of efforts and would not be in keeping with the aim of promoting efficiency, consistency and coherence in the unification and harmonization of international trade law,

Reaffirming the mandate of the Commission, as the core legal body within the United Nations system in the field of international trade law, to coordinate legal activities in this field, in particular to avoid duplication of efforts, including among organizations formulating rules of international trade, and to promote efficiency, consistency and coherence in the modernization and harmonization of international trade law, and to continue, through its secretariat, to maintain close cooperation with other international organs and organizations, including regional organizations, active in the field of international trade law,

1. *Takes note with appreciation* of the report of the United Nations Commission on International Trade Law on the work of its thirty-eighth session;[1]

2. *Commends* the Commission for the finalization and approval of a draft convention on the use of electronic communications in international contracts;[2]

3. *Also commends* the Commission for the progress made in its work on a revision of its Model Law on Procurement of Goods, Construction and Services,[3] on model legislative provisions on interim measures in international commercial arbitration, on a draft instrument on transport law and on a draft legislative guide on secured transactions;

4. *Endorses* the efforts and initiatives of the Commission, as the core legal body within the United Nations system in the field of international trade law, aimed at increasing coordination of and cooperation on legal activities of international and regional organizations active in the field of international trade law, and in this regard appeals to relevant international and regional organizations to coordinate their legal activities with those of the Commission, to avoid duplication of efforts and to promote efficiency, consistency and coherence in the modernization and harmonization of international trade law;

5. *Reaffirms* the importance, in particular for developing countries, of the work of the Commission concerned with technical assistance in the field of international trade law reform and development, and in this connection:

(a) Welcomes the Commission's initiatives towards expanding, through its secretariat, its technical assistance programme;

(b) Expresses its appreciation to the Commission for carrying out technical assistance activities in Azerbaijan, Brazil, China, Ethiopia (for the Common Market for Eastern and Southern Africa), Serbia and Montenegro, Slovenia, South Africa (for the Association of Law Reform Agencies of Eastern and Southern Africa) and Thailand;

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[1] *Official Records of the General Assembly, Sixtieth Session, Supplement No. 17* (A/60/17).

[2] Ibid., chapter III and annex I.

[3] Ibid., *Forty-ninth Session, Supplement No. 17* and corrigendum (A/49/17 and Corr.1), annex I.

(c) Expresses its appreciation to the Governments whose contributions enabled the seminars and briefing missions to take place, and appeals to Governments, the relevant bodies of the United Nations system, organizations, institutions and individuals to make voluntary contributions to the United Nations Commission on International Trade Law Trust Fund for Symposia and, where appropriate, to the financing of special projects, and otherwise to assist the secretariat of the Commission in carrying out technical assistance activities, in particular in developing countries;

(d) Reiterates its appeal to the United Nations Development Programme and other bodies responsible for development assistance, such as the World Bank and regional development banks, as well as to Governments in their bilateral aid programmes, to support the technical assistance programme of the Commission and to cooperate and coordinate their activities with those of the Commission;

6. *Takes note with regret* that, since the previous session of the Commission, no contributions have been made to the trust fund established to provide travel assistance to developing countries that are members of the Commission, at their request and in consultation with the Secretary-General,[4] stresses the need for contributions to the trust fund in order to increase expert representation from developing countries at sessions of the Commission and its working groups, and reiterates its appeal to Governments, the relevant bodies of the United Nations system, organizations, institutions and individuals to make voluntary contributions to the trust fund;

7. *Decides*, in order to ensure full participation by all Member States in the sessions of the Commission and its working groups, to continue, in the competent Main Committee during the sixtieth session of the General Assembly, its consideration of granting travel assistance to the least developed countries that are members of the Commission, at their request and in consultation with the Secretary-General;

8. *Recalls* that the responsibility for the work of the Commission lies with the meetings of the Commission and its intergovernmental working groups, and stresses in this regard that information should be provided regarding meetings of experts, which bring an essential contribution to the work of the Commission;

9. *Recalls* its resolutions on partnerships between the United Nations and non-State actors, in particular the private sector,[5] and in this regard encourages the Commission to further explore different approaches to the use of partnerships with non-State actors in the implementation of its mandate, in particular in the area of technical assistance, in accordance with the applicable principles and guidelines and in cooperation and coordination with other relevant offices of the Secretariat, including the Global Compact Office;

10. *Reiterates its request* to the Secretary-General, in conformity with the General Assembly resolutions on documentation-related matters,[6] which, in particular, emphasize that any reduction in the length of documents should not adversely affect either the quality of the presentation or the substance of the documents, to bear in mind the particular characteristics of the mandate and work of

[4] Resolution 48/32, para. 5.

[5] Resolutions 55/215, 56/76 and 58/129.

[6] Resolutions 52/214, section B, 57/283 B, section III, and 58/250, section III.

the Commission in implementing page limits with respect to the documentation of the Commission;

11. *Also requests* the Secretary-General to continue providing summary records of the Commission's meetings relating to the formulation of normative texts;

12. *Stresses* the importance of bringing into effect the conventions emanating from the work of the Commission for the global unification and harmonization of international trade law, and, to this end, urges States that have not yet done so to consider signing, ratifying or acceding to those conventions;

13. *Takes note with appreciation* of the preparation of digests of case law relating to the Commission's texts, in particular a digest of case law relating to the United Nations Convention on Contracts for the International Sale of Goods[7] and a digest of case law relating to the Model Law on International Commercial Arbitration of the United Nations Commission on International Trade Law,[8] which will assist in dissemination of information on those texts and promote their use, enactment and uniform interpretation;

14. *Welcomes* the Commission's decision to hold, in the context of its fortieth session in 2007, a congress on international trade law in Vienna, with a view to reviewing the results of the past work of the Commission as well as related work of other organizations active in the field of international trade law, assessing current work programmes and considering topics and areas for future work, and acknowledges the importance of holding such a congress for the coordination and promotion of activities aimed at the modernization and harmonization of international trade law;

15. *Notes* that 2006 will mark the thirtieth anniversary of the adoption by the Commission of the Arbitration Rules of the United Nations Commission on International Trade Law,[9] used worldwide in the settlement of disputes concerning international trade and investment, and in this regard welcomes initiatives being undertaken to organize conferences and other similar events to provide a forum for assessing the experience with the Rules, as well as discussing their possible revision;

16. *Recalling* its resolutions affirming the importance of high-quality, user-friendly and cost-effective United Nations websites and the need for their multilingual development, maintenance and enrichment,[10] commends the Commission's restructured website in the six official languages of the United Nations, and welcomes the continuous efforts of the Commission to maintain and improve its website in accordance with the applicable guidelines.

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[7] United Nations, *Treaty Series*, vol. 1489, No. 25567.

[8] *Official Records of the General Assembly, Fortieth Session, Supplement No. 17* (A/40/17), annex I.

[9] United Nations publication, Sales No. E.77.V.6.

[10] Resolutions 52/214, section C, para. 3, 55/222, section III, para. 12, 56/64 B, section X, 57/130 B, section X, 58/101 B, section V, paras. 61-76, and 59/126 B, section V, paras. 76-95.